

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

TERRIAN TYRONE RICHARDS,

Petitioner,

v.

DANNY THOMPSON, Warden,

Respondent.

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Case No. CV410-073

REPORT AND RECOMMENDATION

Terrian Tyrone Richards petitions this Court for habeas relief under 28 U.S.C. § 2254. Doc. 1. He is currently confined in this District, doc. 1 at 11, but challenges a conviction that arose in Floyd County, Georgia, which is in the Northern District. *Id.* at 2. In such situations, jurisdiction exists concurrently in both the district of the inmate's confinement and the district in which the conviction under attack was entered. *Wright v. Indiana*, 263 F. App'x 794, 795 (11th Cir. 2008). "The most convenient forum will often be the district in the state whose conviction is being attacked, and a transfer of the case to that district is permissible, but not required." *Id.* (citing *Byrd v. Martin*, 754

F.2d 963, 965 (11th Cir. 1985)).

Having considered petitioner's filing, the Court concludes that the Northern District would be the better forum for resolving this matter. Hence, this case should be transferred to the Northern District of Georgia, Rome Division. *See* 28 U.S.C. § 1404(a) (permitting a district court to transfer any civil action to another district or division where it may have been brought for the convenience of parties and witnesses and in the interest of justice); 28 U.S.C. § 90(a)(3) (Rome division for Floyd County cases).

SO REPORTED AND RECOMMENDED this 14th day of June, 2010.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT of GEORGIA